HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.9572 of 1998

Dated 20th day of March, 2007

Between:

Kuditi Apparao
and four others ..
Petitioners

And

The District Collector, Visakhapatnam
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in trying to lay road in a portion of the land of an extent of Ac.2.17 cents belonging to the petitioners without initiating proceedings under the Land Acquisition Act, as arbitrary and illegal, and consequently direct the respondents to initiate steps under the provisions of the Land Acquisition Act (for short "the Act) and pay compensation.

The brief facts of the case are that the 1st petitioner and his brothers are the absolute owners of an extent of Ac.2.17 cents of land in S.No.109 situated at Madhurawada village of Visakhapatnam, and they derived this property from their ancestors and have been in peaceful possession and enjoyment of it. Now, their grievance is that the respondents, without initiating proceedings in accordance with the procedure prescribed under the Act, are trying to lay road in a portion of their land.

Heard the learned counsel for both the parties.

Having regard to the fact that the very prayer is for initiation of proceedings in accordance with law and if really the petitioners are the owners of the land, which is sought to be acquired by the respondents, this Court deems it appropriate to direct the respondents to initiate proceedings only in accordance with law if not already initiated.

With the above direction, the writ petition is disposed of. No costs.

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20.03.2007

bcj